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IAB IV 2049854

BIOGRAPHICAL SUMMARY:

[REDACTED] # [REDACTED]
LATAVIAN MOORE # [REDACTED]

DEPUTY
DEPUTY

IAB INVESTIGATIVE REPORT

Interviews:

COMPLAINANT:

[REDACTED] BKG # [REDACTED] [REDACTED] INMATE

WITNESS:

[REDACTED] # [REDACTED]
[REDACTED] # [REDACTED]
[REDACTED] # [REDACTED]
[REDACTED] # [REDACTED]
[REDACTED] # [REDACTED]

SUPERVISING COURT RECORD
CLERK
DEPUTY
DEPUTY
COURT RECORD SYS. CLERK II
SERGEANT
COURT RECORD SYS. CLERK II
DEPUTY

SUBJECT:

[REDACTED] # [REDACTED]
LATAVIAN MOORE # [REDACTED]

EXHIBITS:

- A - MEMO ADDRESSED TO ICIB REQUESTING INVESTIGATION AND ICIB SUPPLEMENTARY REPORT; ICIB TRANSCRIPTS
- B - COMPLAINANT'S DIAGRAM OF BASEMENT AND LOCK-UP AREAS
- C - PHOTOGRAPHS OF BASEMENT AND LOCK-UP AREA
- D - MEMO AUTHORED BY [REDACTED]
- E - PHOTOCOPIES OF LACO WORK IN LIEU OF CONFINEMENT AGREEMENTS OF INMATES ASSIGNED TO WORK RELEASE PROGRAM FOR THE MONTH OF OCTOBER 2001
- F - SCIENTIFIC SERVICES BUREAU POLYGRAPH REPORT
- G - SCIENTIFIC SERVICES BUREAU FORENSIC BIOLOGY SECTION FIELD REPORT
- H - SUBJECT MOORE'S DIAGRAM OF THE "MECHANICAL ROOM"

MISCELLANEOUS DOCUMENTS

**COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
INTERNAL AFFAIRS BUREAU INVESTIGATIVE REPORT**

DATE OF INCIDENT B/T 10/10/01 - 10/26/01	FILE NO. IAB IV # 2049854
SUBJECT(S) [REDACTED] Emp # [REDACTED] Dep. Latavian Moore Emp # [REDACTED] Court Services West/Santa Monica	
COMPLAINANT(S) [REDACTED] Bkg # [REDACTED] Work Release Trustee Assignment: Santa Monica Court	
CHARACTER OF CASE Obedience To Laws, Regulations, and Orders Conduct Toward Others Fraternization	
LOCATION Santa Monica Superior Court 1725 Main St., Santa Monica, CA., 90401	
REFERENCE ROY M. PUGH, CHIEF COURT SERVICES DIVISION	INVESTIGATOR Sonia D. Carroll, Sergeant Internal Affairs Bureau
SYNOPSIS On October 26, 2001, the Complainant, [REDACTED] reported that on or about October 10, 2001, Subject Moore took her to a room in the basement area of Santa Monica Court, where he kissed her and made a suggestive remark, indicating that he wanted her to perform oral sex on him. On the same day, his partner, Subject [REDACTED] also took the complainant to the basement area where he also asked her for a kiss, which she refused. After refusing to kiss Subject [REDACTED] the Complainant stated that Subject [REDACTED] continued to harass her by constantly asking her for a kiss, touching her breast on two to three occasions as she passed Subject [REDACTED] in the hallway and by rubbing up against her while she washed her hand in the officer's restroom located in the office of the Santa Monica Court lock-up area.	
SUBMITTED BY DENNIS H. BURNS, CAPTAIN INTERNAL AFFAIRS BUREAU	REFERRED FOR RECOMMENDATION TO COURT SERVICES WEST BUREAU
STATUS OF SUBJECTS Relieved of Duty	



LEROY D. BACA, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



February 12, 2003

Deputy Latavian Moore, # [REDACTED]

[REDACTED]

Deputy Moore:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective at the close of business on March 6, 2003.

An investigation under File Number IAB 2049854, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.05, Performance of Duty; and/or 3-01/050.85, Fraternization, on or about October 10, 2001, you engaged in appropriate and/or unprofessional conduct when you took Complainant [REDACTED] a [REDACTED] inmate assigned to Santa Monica Court Lockup, to the court basement, whereupon you kissed her, requested oral sex and were masturbated by her. By your actions, you have brought discredit upon yourself and the Sheriff's Department.
2. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders, on or about October 10, 2001, you engaged in behavior and/or a pattern of behavior that was unbecoming a county employee when you took Complainant [REDACTED] a [REDACTED] inmate, into the mechanical room in the basement area of Santa Monica Court and kissed her, requested oral sex and were masturbated by her.

A Tradition of Service

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, you failed to make full and/or complete and/or truthful statements during the course of an official Department Internal Investigation. These statements include, but are not limited to:
 - a) When asked numerous times if you took Complainant [REDACTED] to the basement and/or into the mechanical room, your response was, "No." When asked, "Did you ever take [REDACTED] to the basement to get supplies, you replied, "No." When asked if you were sure about that, you replied, "Yes." When asked if you were positive of that, you replied, "Yes." When asked why you were so positive, you responded, "Because I would remember, because that's - this is fairly recent so I would remember." When asked to furnish a recent date, you responded, "This was fairly recent within the last half a year.....so my memory's not that bad," and/or;
 - b) During your second interview, you admitted to "possibly taking Complainant [REDACTED] to the mechanical room," and/or;
 - c) During the second interview, the IAB investigator asked when you were in the room with the Complainant, was it possible that you told her to duck under the vent and you took her to another location in that room? You responded, "No. No. Only time she might have had to duck was to duck from the vents." When asked what vents, you replied, "Maybe somewhere here [pointing to your diagram of the mechanical room, Exhibit-H] I mean, I know we had to duck before we went to (um)...I'm not going to say that because I don't remember. I do know, I do know in some places in the mechanical room, you do have to duck." When asked if you ever told Complainant [REDACTED] to duck, you responded, "I don't, I don't recall."
4. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.05, Performance of Duty; and/or 3-01/050.10, Performance to Standards, on two separate occasions, while on duty, you failed to devote your time and attention to the service of the County and the Department, and/or engaged in

behavior and/or a pattern of behavior which is unbecoming a county employee, when you left your assigned post to masturbate in the mechanical room, thereby bringing discredit upon yourself and the Sheriff's Department.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Taylor Moorehead on March 4, 2003, at 1400 hours, in his office, which is located at 1000 South Fremont Avenue, A9E, 5th Floor South, Alhambra 91803. If you are unable to appear at the scheduled time and wish to schedule some other time prior to March 4, 2003, for your oral response, please call Chief Moorehead's secretary at [REDACTED] for an appointment.

If you choose to respond in writing, please call Chief Moorehead's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Moorehead's office by no later than March 4, 2003.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

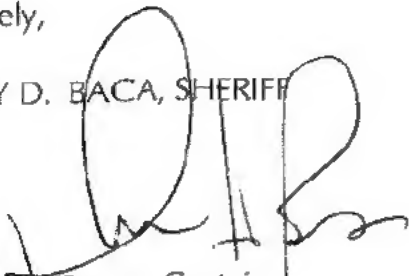
Deputy Latavian Moore, # [REDACTED]

4

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LERROY D. BACA, SHERIFF



Dennis H. Burns, Captain
Commander, Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

DHB:SC:lh

c: Advocacy Unit
Employee Relations Unit
Chief Taylor Moorehead, Court Services Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # 2049854)

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COUNTY CLERK

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CIVIL SERVICE
COMMISSION

COUNTY OF LOS ANGELES

CIVIL SERVICE COMMISSION

In the Matter of the Appeal of

LATAVIAN MOORE

Appellant

**LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT**

Respondent

CASE NO: 03-110

FINDINGS OF FACT
CONCLUSIONS OF LAW
RECOMMENDATION

1. INTRODUCTION

On March 10, 2003 Latavian Moore ("appellant") was notified by certified mail from the Sheriff's Department ("Department") that he was being discharged from his position of Deputy Sheriff with the Department effective at the close of business on March 6, 2003. Appellant filed a timely appeal to the Civil Service Commission ("Commission") and following compliance with Civil Service Rule 4 the matter was set for hearing on February 18, 2004. Additional hearings were held on February 19, April 6, and May 25, 2004. At the conclusion of these four hearing dates the record was left open by stipulation of the parties for the sole

1 purpose of the submission into evidence of appellant's Exhibit "A" by June 3,
2 2004. The record was thereafter closed. The appellant, Mr. Moore was present at
3 all hearings and was represented by Ms. Helen L. Schwab, Attorney at Law, of
4 the firm of Green and Shinee and the Department was represented by Ms
5 Denise M. Caprioli, Attorney at Law, of the firm of Manning and Marder
6 Evidence, both oral and documentary, was received and closing arguments in the
7 form of written briefs were submitted to the Commission office by June, 17, 2004.

2. ISSUES

10 The issues as defined by the Civil Service Commission for consideration
11 by the Hearing Officer are as follows:

- 12 1. Are the allegations contained in the Department's letter of March 5
13 2003 true?
- 14 2. If any or all of the allegations are true, is the discipline appropriate?

3. BASIS OF ALLEGATIONS

16 The basis for the Department's decision to discharge the appellant is that
17 he violated the Department's Manual of Policy and Procedures in several
18 respects as set forth below:

- 19 ■ Violation of Manual Sections 3-01/030.05 (General Behavior,
20 3-01/050.85 (Fraternalization) and 3-01/050.05 (Performance of
21 Duty)
- 22 ■ Violation of Manual Section 3-01/030.10 (Obedience to Laws
23 regulations and Orders)

- 1
2 ■ Violation of Manual Section 3-01/040.75 (Making False Statements
3 or Failing to Make Full and True Statements During an Official
4 Departmental Investigation)
- 5
6 ■ Violation of Manual Section 3-01/030.05 (General Behavior), and
7 3-01/050.05 (Performance of Duty).

8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

The Department contends that on or about October 10, 2001, Deputy Latavian Moore, while on duty at the Santa Monica Court lockup, overseeing [REDACTED] inmates, took the Complainant [REDACTED] to the court basement whereupon he kissed her, requested oral sex and was masturbated by her. In so doing he brought discredit upon himself and the Department.

The Department further contends that during the course of official internal investigations into these allegations Deputy Latavian Moore made false statements or failed to make full and complete truthful statements as to the circumstances surrounding these charges to investigators.

Finally, the Department also alleges that Deputy Moore, while on duty on October 10, 2001, engaged in behavior which is unbecoming a county employee when he left his assigned post to masturbate in the mechanical room in the basement of the Santa Monica Courthouse. In so doing he brought discredit upon himself and the Department.

5. BACKGROUND

The appellant has been employed by the Sheriff's Department as a Deputy

1 Sheriff since 1999. [REDACTED]

2 [REDACTED] the end of January 2000 he was transferred to the
3 Court Services Division at the Santa Monica Courthouse. Moore was placed in
4 charge of [REDACTED] and he dealt with both male and female inmates.

5 According to Moore's understanding, a [REDACTED] inmate is one who works in
6 a county facility such as a courthouse in lieu of serving jail time. The duties
7 include picking up trash, filing and other light chores.

8 [REDACTED] was one of the [REDACTED] inmates under the
9 supervision of Deputy Moore. At the time that she came to work at the Santa
10 Monica Courthouse on October 9, 2001 she was nineteen years old.

11 On October 26, 2001, Ms. [REDACTED] approached Supervising Clerk,

12 [REDACTED] and told her that Deputy Moore had asked her to come with him to
13 the basement supply room (also referred to as the Mechanical Room). After
14 going to the basement supply room Ms. [REDACTED] stated that Moore turned out
15 the lights and then kissed her. She admitted to kissing him back but then he
16 asked her to perform oral sex on him but she refused. He then asked her to
17 masturbate him and she complied. They were interrupted by a radio call and then
18 went back upstairs. Ms. [REDACTED] took her to Lieutenant John Benedict who is the
19 Area Lieutenant for personnel management and sergeants at the courthouse and
20 she repeated the incident to him. Lieutenant Benedict referred the matter to
21 Internal Affairs Division.

22 The alleged misconduct by the appellant became the subject of an Internal

Affairs investigation shortly thereafter and at the conclusion of the investigation following a Skelly hearing, it was determined by the division chief that the allegations against Deputy Moore were true and that the recommended discipline or discharge from his position, was appropriate. This ultimately led to the March 5, 2003 letter of discharge to the appellant. Moore then filed a timely appeal and the matter was set for hearing pursuant to Rule 4 of the Civil Service Commission.

6. TESTIMONY RECEIVED

As its first witness the Department called Ms. [REDACTED]. Having been sworn, she testified that she is the Supervising Court Records Clerk at the Santa Monica Courthouse. On October 26, 2001, she was approached by Ms. [REDACTED] who wanted to discuss a matter with her privately. She knew [REDACTED] never had any problems with her and found her to be pleasant. On this day, however, [REDACTED] appeared agitated and subdued and fumbled with an orange bag. They spoke out on the patio where they would have privacy. [REDACTED] told her that Deputy Moore took her downstairs to the supply area. He kissed her and she kissed him back. He then asked her for oral sex but she refused. Moore then asked her to use her "natural abilities" but she again refused. She understood this to mean oral sex. She never said anything about masturbating Moore. She brought Ms. [REDACTED] to Lieutenant Benedict. The substance of their discussion was incorporated in a memo which she sent to Lieutenant Benedict on January 2, 2002 (Dept. Exhibit 1).

1 Ms [REDACTED] generally told Lieutenant Benedict what the problem was but she
2 preferred that Ms [REDACTED] speak with him directly so she took her to Lieutenant
3 Benedict's office
4

5 Lieutenant Benedict was called to testify as a witness for the Department
6 He is the Area Lieutenant for the Court Services Division and has been in this
7 position for about two and one half years. He stated that in October 2001 he had
8 a conversation with [REDACTED] who informed him of Ms [REDACTED] complaint.
9 He had Ms [REDACTED] come to his office. When she arrived, she appeared
10 nervous, distraught and was crying. She wanted to be transferred out of the lock
11 out. She said on one occasion (not that day) she was sitting on a bench in front
12 of a courtroom speaking to a male friend in a white jump suit. Deputy Moore
13 came up, told him to leave and escorted him out. He then motioned for [REDACTED]
14 to follow him. They went into a room in the basement. She said that when they
15 got there Moore shut the door and turned out the light. He then kissed her for a
16 long time. He asked her if another deputy could come down but she refused. Ms
17 [REDACTED] gave an accurate description of the room. The description was verified
18 by Benedict who immediately went down to check.
19

20 Benedict promised to look into the matter. He then reported the incident to
21 Internal Affairs (Dept. Exhibit 4). He testified that he believed the incident with
22 Moore had occurred about a week before she brought the matter to his attention.
23 As with Ms [REDACTED] she did not tell him that Deputy Moore asked her to
24 masturbate him.
25

The Department then called Sergeant Sonia Carroll. Sergeant Carroll began with Internal Affairs in October 2001. Her job is to investigate Title issues, gather facts, interview witnesses and write reports of her findings.

She was assigned to investigate the Moore case on or around December 5, 2001. She interviewed Ms. [REDACTED] in the company of her [REDACTED] and the interview was tape recorded (Dept. Exhibit 5). She told Sergeant Carroll that Deputy Moore took her to a room in the basement, turned off the lights and they kissed. She responded positively to his kiss. He asked her for oral sex but she refused. She accurately described the room and much of its contents including the computer and a desk. She delayed in reporting the incident with Moore as well as an incident involving another deputy* because she knew that the other deputy had many years of service and she was afraid she would not be believed.

Ms. [REDACTED] was administered a polygraph exam which came up negative (Dept. Exhibit 6). She then admitted that she was not truthful about the incident in the basement with Moore. She said she masturbated him and he ejaculated in her hand and on the floor. A forensics exam of the floor for evidence of semen was requested. That was done but no evidence was found.

Another polygraph exam was administered at a later date but that [REDACTED] would not be deceptive (Dept. Exhibit 7).

The investigation also involved a complaint by [REDACTED] against another deputy. Those allegations have not been considered at this hearing or in this report as they have been the subject of a separate disciplinary hearing.

1
2 After interviewing Ms [REDACTED] Sergeant Carroll went to the courthouse to
3 take pictures of the Mechanical Room. Sergeant Mitchell was with her. Ms
4 [REDACTED] had drawn diagrams of the basement and the Mechanical Room for her
5 (Dept. Exhibit 8). Sergeant Carroll prepared a work sheet in which she set forth
6 the findings of her investigation (Dept. Exhibit 9). She concluded that the
7 evidence supported the charges against Deputy Moore and recommended that
8 he be discharged.

9
10 She conducted an interview with Moore on February 5, 2002 (Dept.
11 Exhibit 10). With her was Sergeant Mitchell. At no time did Deputy Moore admit
12 to taking Ms [REDACTED] to the basement and he denied ever kissing her, asking
13 her for oral sex or having her masturbate him. The results of the investigation
14 were reported to Chief Moorhead who asked for additional information. As a
15 result, a second interview of Deputy Moore was conducted on November 19,
16 2002. During the course of that interview, when asked if he had ever taken Ms
17 Okafor to the basement Mechanical Room, Moore's story changed somewhat.
18 He now said that it was "very possible" that he took her down to the Mechanical
19 Room to get supplies. In fact, nine months after his first interview, he can now
20 describe where Ms [REDACTED] "ventured" past the computer in the Mechanical
21 Room. He said she was about 12-15 feet away from him when they were there.
22 He also admitted to the investigators that on at least two occasions, when he was
23 by himself he had "private moments" (masturbated).

24
25 Sergeant Carroll also interviewed Deputies [REDACTED] and [REDACTED]

██████████ said that when ██████████ talked to her she had only complained about Deputy ██████████ being too hard on her and that he had touched her breast. Nothing was said about Moore. ██████████ also expressed her belief that there was no need for anyone to go inside the Mechanical Room and that she ██████████ and ██████████ had never been there. ██████████ also said that they ██████████ and Moore were thinking of rolling ██████████ up (sending her back to jail) because of her inappropriate attire.

The Department then called ██████████. She was at the Santa Monica Court in October 2001 serving out a ninety-day sentence as a ██████████ inmate. After about thirteen days into the ██████████ she complained to Ms. ██████████ that Moore had taken her down to the basement, turned out all the lights and kissed her. Moore had told her he was a single man and that he had an injury which required surgery. ██████████ stated that after telling her to come with him to the basement she asked him why they were going down there. His response was that they were going to pick something up. After entering the Mechanical Room he turned off the lights and kissed her. He then took her by the hand and led her along a wall. They ducked under a vent and came into another area. She observed sunspots which filtered through onto the wall. Moore was leaning up against a pillar when he put his hand around her waist and kissed her. He said, "you kiss good, do you have any other skills?" She understood him to mean could she perform oral sex. She refused although he asked her at least three or four times. He then asked her to masturbate for

After she complied, he ejaculated. She then heard him being called on the radio. They then left to go back upstairs where she sat in front of Department B as instructed by Moore. While sitting there Deputy [REDACTED] came along. He also took her downstairs where he tried to kiss her. She told him to stop and he did. They then picked up trash. He said to her, "you look care of Moore why are you treating me badly?" She was troubled by what had happened and was afraid that they (supervisors) would find out about it. The next day she reported the incident to Ms. [REDACTED].

After having reported the matter to Ms. [REDACTED] and Lieutenant Benedict, she was asked to wear a wire. Sergeant Regalado picked her up, gave her a wire that looked like a pager and dropped her off at the Santa Monica Court. While sitting in the hallway she saw [REDACTED]. Although she said "good morning" to him, he ignored her. Later, she saw Moore. He told her, "somebody will see you. I don't want to get into trouble." A few weeks later she had a meeting at her home with Sergeants Carroll and Mitchell. She described what had happened and the statement was tape recorded. She had drawn a diagram of the basement and the lock-up area as well as the Mechanical Room where Moore had taken her. (Dept. Exhibit 18)

During her testimony, Ms. [REDACTED] was shown a photo of the Mechanical Room (Dept. Exhibit 18) and one of the basement hallway (Dept. Exhibit 19) and she recognized both of the photos. She also described how while in the computer room they had walked past the computer and that she had to duck under a vent

when she turned left

On cross-examination Ms [REDACTED] admitted to having three convictions for petty theft

She said that she had heard that she was going to be "rolled up" for wearing gang attire and she was mainly afraid of Deputy [REDACTED] not Moore

On redirect, Ms [REDACTED] admitted that the only reason she told about [REDACTED] and Moore is because she heard she was going to be rolled up

She does not believe she lied on her polygraph exams. She just didn't mention the fact that she had masturbated Moore

As its next witness, the Department called Taylor Moorehead, Chief, Los Angeles Sheriff's Department, Court Services Division

Chief Moorehead reviewed the investigation and believed that Moore had lied about being in the Mechanical Room with [REDACTED]. When Moore was told that the lab had gone into the room to examine for semen stains, he changed his story and said he had masturbated in there

Even if that were true, masturbation does not mitigate Moore's conduct. At his Shelly hearing Moore recanted his story about masturbation

Chief Moorehead admits that he has serious doubts about Ms [REDACTED] credibility. However, Moore's lying, then recanting and his admissions regarding masturbation are themselves enough to cause Moore's termination

Chief Moorehead was of the opinion that even if [REDACTED] had not been entirely candid about what had occurred in the basement, she certainly explained

1 in great detail what the Mechanical Room and its contents looked like. This

2 refutes Moore's statements that he never took her down to the basement

3 Chief Moorehead believes that the fact that Deputy Moore is telling first

4 one story to the investigators and then another, his admissions regarding

5 masturbating and his fraternization with an inmate are not capable of redemption

6 and the only appropriate penalty is termination of his employment

7 The appellant Latahian Moore, was next called to testify. His work history
8 has been previously discussed. By October 2001, he had supervised hundreds of

9 inmates who were in the [REDACTED] program. This included both male and

10 female inmates

11 He first met [REDACTED] in October 2001. During the first couple of days she

12 was assigned to various cleaning chores. She wore hip-hop attire and had to be

13 cautioned about that. During those first few days she would sit on a bench in the

14 hallway of the courthouse. On one particular day he observed her talking to a

15 released male inmate and he admonished her not to talk to anyone. She

16 responded by telling the inmate "you're released, you don't have to listen to him."

17 Supplies were kept in the basement and he would take [REDACTED]

18 inmates down to the basement to obtain supplies. During the time that he worked

19 at the Santa Monica court he had taken quite a few inmates down to the

20 basement

21 During the month of October 2001, there was an incident that

22 occurred at the court and he was involved in breaking it up. He was injured in the

process and was required to undergo surgery on October 30-31. Until his surgery date he continued to work at the courthouse on light duty and this included supervising Ms. [REDACTED]. He denies ever committing any sexual misconduct in the basement and he can't specifically recall whether he ever took [REDACTED] down to the basement. He concedes, however, that he probably did

He denies ever discussing his personal life with Ms. [REDACTED] but because of the close proximity of the inmates to the deputies it is possible that she overheard him discuss personal matters with his fellow deputies.

He was interviewed by Internal Affairs on two occasions. During the first interview he denied taking [REDACTED] down to the basement. During the second interview which he said was about three months later (actually nine months later) he admitted that he probably took her down to get supplies. However, he denied that he ever asked Ms. [REDACTED] to masturbate him. He did admit that on two occasions he did go down to the basement by himself for "private time."

This was the term that he used for masturbation.

He attended a Skelly hearing at which Chief Moorehead was present. Chief Moorehead told him he didn't believe Okamoto was truthful and he offered to drop the charges with the exception of the masturbation allegations. Chief Moorehead also gave Moore an opportunity to resign in lieu of discharge.

* Examiner's note

7. DISCUSSION

A considerable amount of evidence, both testamentary and documentary has been received over the four days of hearings into this matter. Attention was paid not only to what the witnesses were saying but also to the demeanor of the witnesses. California Evidence Code §780 provides the general rule that the demeanor of a witness while testifying under oath and the manner in which he or she testifies may be taken into account when determining the credibility of the witness.

Ms. [REDACTED] testified against the appellant. It was evident to this examiner that she was a reluctant witness. She failed to appear when she was originally scheduled to do so although she did finally give testimony about what she alleges occurred between her and Deputy Moore at the Santa Monica courthouse. One can only speculate as to the reason for her reluctance. It might have been a fear of confronting the accused or possibly a fear of being caught in a lie. When she was originally interviewed she repeated at least three or four times that she didn't want to get anyone in trouble. We do know however that she has lied more than once during the course of this investigation. Perhaps her lies have been more in the nature of lies of omission rather than commission.

When interviewed by Ms. [REDACTED] Ms. [REDACTED] never told her that she had masturbated Deputy Moore in the basement Mechanical Room. Nor did she tell Lieutenant Benedict that she did so. She conveniently left out that important detail during her first polygraph examination and admitted to Sergeant Carroll

the Internal Affairs investigator, that she had lied after being told that she registered as "deceptive." She also registered deceptive after taking a second polygraph examination and it is also to be noted that Ms. [REDACTED] has had three past convictions for petty theft.

After the alleged incident with Deputy Moore in the Mechanical Room, Ms. [REDACTED] waited approximately eleven to fifteen days before reporting the incident to Ms. [REDACTED]. Her explanation was that she was fearful that she might be rolled up by the deputies who were involved and that she would not be believed by the supervisors because the deputies had long-term service with the Department.

There is a further contradiction which is worthy of note as to the testimony of Ms. [REDACTED] with regard to the reporting of the incident. According to Ms. [REDACTED], Ms. [REDACTED] first came to her on January 3, 2001 with the complaint about the deputies. It is to be recalled that Ms. [REDACTED] clearly described her as being agitated, subdued and fumbling with her orange bin. [REDACTED] asked to speak to her in private and so they went out on the patio to talk. However, according to Ms. [REDACTED], it was Ms. [REDACTED] who first approached her and asked what was troubling her and not the other way around. One would think that this event, traumatic as it might be, is one which would be impressed in one's memory for a long time. Your Examiner is inclined to believe Ms. [REDACTED] version of who first approached whom to discuss the incident. Her testimony on the witness stand was far more credible.

Ms [REDACTED] was frank to admit in her reporting of the incident that she was not afraid of Deputy Moore, that she liked him, that she responded warmly to his kiss in the Mechanical Room and that she didn't want to get him into trouble. It appears that her fears were mostly about Deputy [REDACTED] and the trouble he might cause her if she didn't cooperate and do for him what she did for Moore down in the basement. That is, she feared that he might have her rolled up

Chief Moorehead also had doubts about Ms [REDACTED] credibility but he felt that Deputy Moore's lying, then recanting his story and lying again far outweighed Ms [REDACTED] lack of credibility. He was also of the opinion that Moore's admissions to self-masturbation in the Mechanical Room were of such a degree of misconduct as to warrant Moore's termination. In Moorehead's own words "the conduct is outrageous there is no way to retrain (Moore)"

Deputy Moore's testimony is replete with contradictions as well. During his interview with Internal Affairs investigators on February 5, 2002 (Dept. Exhibit 1), he is asked by Sergeant Carroll on page 35 "Have you ever taken [REDACTED] to the basement?" He answers "no". Again, on page 37 he is asked "Did you ever take [REDACTED] to the basement to get supplies?" His answer again is "no". He is asked the same question twice more on page 38 and twice more on page 42 and in each case he categorically denies ever taking Ms [REDACTED] down to the basement.

Approximately nine months later, on November 19, 2002 Deputy Moore is interviewed once again by Internal Affairs investigators (Dept. Exhibit 11). It

would be expected that his recollection of events that occurred on October 10, 2001 would not be as clear in his mind as they were during his previous interview back in February considering the passage of time. To the contrary, Deputy Moore now seems to recall, as shown on page 23, that "it is very possible that I took her [REDACTED] down there to get supplies." In fact he repeats that it is very possible four times in the same paragraph. Not only does Moore admit that it is very possible that he took her down to the basement but then he goes into detail on page 25 about where she walked inside the Mechanical Room. The following is an excerpt from Moore's interview of November 19, 2002:

Question: "Did she ever go to the place where you said you did not go?"

Answer: "She walked somewhat over there, but not really too far from me."

Moore is asked to draw a diagram (Dept. Exhibit 16) of where he and Laurence Okamoto were situated in the Mechanical Room. On the diagram he notes with some specificity that Ms. [REDACTED] stood about 12-15 feet from him. He also states that he did not tell her to duck under some vents in the Mechanical Room but then changed his story to say that he didn't recall telling her to duck. His explanation of what did or did not happen with regard to the vents is confusing and inconsistent and shows a lack of candor.

On page 30 of his interview Sergeant Carroll asks him if he ever engaged in sexual acts while in the basement area. His reply on page 31 is, "initially, yes, as far as as far as masturbation... I have before. Not, not after. I have before though." He also notes on the previously referred-to diagram where in the

Mechanical Room he would go for his "private moments"

Moore's new recollections with regard to "possibly" taking Ms. [REDACTED] down to the basement, coming nine months after his previous firm denial, cast considerable doubt upon his credibility. Not only does he suddenly recall that he did possibly take Ms. Okamoto down to the basement but he can even describe in great detail, on a diagram, where he stood and that she was some 12-15 feet away from him.

When Moore is confronted by investigators with the possibility that the Scientific Investigations Lab may have obtained semen samples from the Mechanical Room floor to corroborate [REDACTED] allegation that she masturbated him, he responds by saying that the semen would have resulted from the private moments (masturbation) he had in the room. This, however, seems to be an attempt on his part to cover up for the allegation. Nonetheless, his frank admissions with regard to his masturbation in the Mechanical Room are to be taken as true.

For the sake of discussion, if we were to allow for the moment that Ms. [REDACTED] was fabricating her testimony, the question then becomes how possible that she could describe with such a high degree of accuracy (Dept. Exhibit 8) the interior of the Mechanical Room, the location of the desk and the computer upon it, the pillar where Deputy Moore stood and the location of the vents through which the light came through unless Moore took her there. The answer is that Deputy Moore did take her to the Mechanical Room for an

improper purpose and taking into account all of the evidence presented at the hearing, it is clear by a preponderance of the evidence that Deputy Moore committed the acts alleged by the Department.

8. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The evidence, having been considered along with the contentions of the parties, I make the following:

Findings of Fact

1. At all material times, the appellant was employed as a Deputy Sheriff with the Los Angeles County Sheriff's Department assigned to the Court Services Division at the Santa Monica courthouse.

2. On October 10, 2001, appellant engaged in inappropriate and/or unprofessional conduct in violation of the Manual of Policy and Procedures §§ 3-01/030-05 General Behavior, 3-01/050-05 Performance of Duty, 3-01/050-05 Sexual Harassment when he took complainant [REDACTED] a [REDACTED]

inmate to the court basement of the Santa Monica courthouse, whereupon he requested oral sex and was masturbated by her.

3. On October 10, 2001, appellant engaged in behavior and/or a pattern of behavior that was unbecoming a county employee in violation of the Manual of Policy and Procedures § 3-01/030-10 when he took complainant [REDACTED]

[REDACTED] a [REDACTED] inmate to the court basement of the Santa Monica courthouse and kissed her, requested oral sex and was masturbated by her.

4. In violation of the Manual of Policy and Procedures § 3-01/040-05

appellant failed to make true statements or made false statements during the course of an official Department Internal Investigation as follows

a) During the interview of February 5, 2002 the appellant denied taking the complainant to the basement but during his second interview on November 19, 2001, Moore admitted that he possibly took Ms. [REDACTED] to the basement

b) Also during his second interview he gave confusing and inconsistent statements with regard to whether he and [REDACTED] had to duck under the vents in the Mechanical Room.

5. In violation of the Manual of Policy and Procedures §§§ 3-01/030 05 General Behavior, 3-01/050 05 Performance of Duty and 3-01/050 10 Performance to Standards on two separate occasions, while on duty he failed to devote his attention to the service of the County and the Department and engaged in behavior which is unbecoming a county employee when he left his assigned post to masturbate in the Mechanical Room

CONCLUSIONS OF LAW

The allegation that on October 10, 2001, the appellant engaged in inappropriate and unprofessional conduct when he took complainant [REDACTED] and [REDACTED] inmate assigned to Santa Monica Court Lockup to the court basement whereupon he kissed her requested oral sex and was masturbated by her is true and constitutes misconduct as described within the Manual of Policy and Procedures

2 The allegation that on October 10, 2001, the appellant engaged in a
pattern of behavior that was unbecoming a county employee when he took the
complainant [REDACTED] a [REDACTED] inmate, into the Mechanical
Room in the basement of the Santa Monica courthouse and kissed her
requested oral sex and was masturbated by her is true and constitutes
misconduct as described within the Manual of Policy and Procedures

3 The allegation that the appellant, during the course of an official
Department Internal Investigation, failed to make full and truthful statements is true
and constitutes misconduct as described within the Manual of Policy and
Procedures


4 The allegation that the appellant failed to devote his attention to the
service of the County and the Department, and engaged in behavior which is
unbecoming a county employee is true and constitutes misconduct as described
within the Manual of Policy and Procedures

5 The Appellant's dismissal from his position of employment as Deputy
Sheriff from the Los Angeles County Sheriff's Department is appropriate

RECOMMENDATION

It is the recommendation of this Hearing Officer that the appellant's
discharge is sustained

Respectfully submitted


Jerry Ellner

Dated July 21, 2004



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

COMMISSIONERS FRANK BINCH • CAROL FOX • Z. GREG KAHWAJIAN • EVELYN V. MARTINEZ • EDGAR H. TWINE
CHARLES E. THORNTON, INTERIM EXECUTIVE OFFICER • EMI YAMASAKI, CHIEF COMMISSION SERVICES

November 24, 2004

FINAL COMMISSION ACTION

Subject of Hearing: In the matter of the **discharge**, effective March 6, 2003, of **LATAVIAN MOORE (Case No. 03-110)**, from the position of Deputy Sheriff, Sheriff's Department.

The Civil Service Commission, at its meeting held on November 17, 2004, approved findings in the above-entitled case. The objections submitted were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure, as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

A handwritten signature in black ink, appearing to read "Emi Yamasaki", is positioned above the typed name.

Emi Yamasaki, Chief
Civil Service Commission Services

c Latavian Moore
Helen L. Schwab
Denise M. Caprioli
Jerry Ellner

BEFORE THE CIVIL SERVICE COMMISSION OF THE
COUNTY OF LOS ANGELES

In the matter of the **discharge**, effective)
March 6, 2003, from the position of Deputy)
Sheriff, Sheriff's Department, of:)

LATAVIAN MOORE)
(Case No. 03-110))

ORDER OF THE CIVIL
SERVICE COMMISSION

On November 17, 2004, the Civil Service Commission of the County of Los Angeles, having read the foregoing Findings of Fact and Conclusions of Law, and good cause appearing therefore, overruled the objections and adopted, as constituting its final decision, the supplemented report, findings and recommendation of its duly appointed Hearing Officer, Jerry Ellner, to sustain the department.

Dated this 24th day of November, 2004.

Z. GREG KAHWAJIAN, President


FRANK BINCH, Member

(absent)

CAROL FOX, Member


EVELYN MARTINEZ, Member


EDGAR H. TWINE, Member

CLERK
COUNTY OF LOS ANGELES
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SECTION

COUNTY OF LOS ANGELES
CIVIL SERVICE COMMISSION

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In the Matter of the Appeal of)	CASE NO. 03-110
)	
LATAVIAN MOORE)	ADDENDUM TO
)	FINDINGS OF FACT,
Appellant)	CONCLUSIONS OF LAW,
)	RECOMMENDATION
v)	
)	
LOS ANGELES COUNTY SHERIFF'S)	
DEPARTMENT)	
Respondent)	
_____)	

Pursuant to instructions from the Civil Service Commission, the following constitutes my response to Appellant's objections regarding this Hearing Examiner's findings of fact and conclusions of law in the instant case.

At the outset it is necessary to address the false and outrageous allegation by the Appellant that this Examiner clearly demonstrated bias against him by failing to include Appellant's contentions in the report although Department's contentions were included.

1 Appellant's contentions were, in fact, contained in the draft report but
2 were inadvertently omitted due to a computer error in the preparation of that final
3 report which was submitted to the Civil Service Commission. This was solely due
4 to an oversight and not, as Appellant alleges, the result of "clear bias."

5 APPELLANT'S CONTENTIONS

6
7 Appellant contends that since becoming a Deputy Sheriff in 1999 and his
8 arrival later at the Santa Monica court he has had an exemplary record and good
9 ratings. The principle allegations against him come from [REDACTED] who
10 is not a credible witness. She failed two polygraph exams administered by the
11 Department and she also stated that she lied about what she says Moore did to
12 her and that Moore had turned her down. Her story changed between the first
13 and second polygraph exam. She filed complaints against another deputy in
14 addition to Mr. Moore and she has a prior conviction for petty theft.

15 Deputy Moore attempted to explain that Ms. [REDACTED] knew the area of the
16 basement in such detail because he might have occasionally taken her there to
17 get supplies.

18 He also admitted to committing acts of masturbation in the basement
19 supply room (his "private times") and was punished for being candid.

20 There is no progressive discipline here and in light of his unblemished
21 record such consideration should have been given. There is no nexus between
22 his fitness to serve and the conduct alleged.

APPELLANT'S OBJECTIONS TO EXAMINER'S FINDINGS OF FACT

A considerable amount of testamentary as well as documentary evidence was received during the course of the hearing. While it is true that Ms. [REDACTED] has a history of shoplifting convictions which casts doubt upon her character for honesty and veracity and that she did, in fact, fail two polygraph exams administered by the Department, there were a few telling instances where this examiner felt that she was being truthful. As one example, she admitted that she liked the Appellant and didn't want him to get into trouble because of what he did but that although the Appellant had committed the acts alleged her objections were mainly against Deputy [REDACTED] whom she did not like. She explained that she waited almost eleven days to report the incident to Ms. [REDACTED] because she was fearful that retribution in the form of a "roll up" would be taken against her by the deputies. They had the power over her, she was an inmate.

She was also a reluctant witness at the hearing, it being recalled that she failed to appear as required at the first hearing because she was afraid to get the Appellant into trouble.

It is to be noted that Ms. [REDACTED] described in great detail both verbally and by a written diagram the contents and the layout of the Mechanical Room where the alleged misconduct occurred. Appellant concedes in his second IAB interview that he might have taken her to the room to obtain supplies although he denied doing so in his first interview. That, he argues would explain how she was familiar with the contents and layout of the room. Ms. [REDACTED]

1 however, testified that she was taken by Moore to what she described as a dark
2 room in the basement without any clear explanation from the Appellant of the
3 purpose for going down there. While in the room, she observed "sunspots" on the
4 wal She also described in detail how Deputy Moore led her along a wall and
5 they then ducked under a vent. Afterward, he leaned up against a pillar and put
6 his arm around her waist and they kissed. If Ms [REDACTED] was making all this up
7 based upon her brief observation of the Mechanical Room while looking for
8 supplies she would have to have an uncanny memory. She described the
9 location of a table, the location of a computer, the location of boxes and many
10 other items. Furthermore, if the Appellant had indeed taken her down to the room
11 just for the innocent purpose of getting supplies would he not have turned on the
12 lights in the room? And if the lights had been on would she have been able to
13 have seen sunspots on the wall?
14

15 While Ms [REDACTED] testimony, based upon her history of deception and
16 her conviction for crimes of moral turpitude, leave open to question her
17 truthfulness. her ability to recall with such detail the contents and layout of the
18 Mechanical Room makes her a very credible witness to this examiner.

19 As indicated in the preamble of my report in Section #7 California
20 Evidence Code §780 provides that the demeanor of a witness while testifying
21 under oath and the manner in which the testimony is given may be taken into
22 account when determining the credibility of the witness. My observation of Ms
23 [REDACTED] while she was in the witness chair and her testimony under oath in
24

1
2 combination with her detailed description of the Mechanical Room, among

3 other things caused me to give considerable weight to her testimony

4 Appellant argues that his later interview by IAB contrasts in detail with his
5 first interview because he was "under pressure" by the investigators and because
6 of the lengthy passage of time between the two interviews which presumably

7 caused him to have lapses in memory at the later one. This was covered in my
8 discussion on page 16 of my report where I pointed out that in response to
9 repeated questioning by IAB during the first interview as to whether he ever took

10 Ms. [REDACTED] to the Mechanical Room he unequivocally and emphatically
11 answers that he did not. But on his second interview nine months later where it
12 would be expected that his memory would not be as certain he suddenly seems
13 to recall in several instances that "it was very possible" that he did take her down
14 to the basement. So which is it? Did he take her downstairs or not? Keeping in
15 mind that this is a trained deputy sheriff who may be called upon to testify in court
16 would he not be expected to keep his recollection of important details straight---
17 even if it were nine months later

18 As to the issue of "pressure" being placed upon him, the two interviews
19 were read by me in great detail. Although I clearly was not in the room during
20 either period of questioning and therefore unable to visually determine the extent
21 of pressure put upon the Appellant, a reading of the transcribed statements
22 reveals no evidence of overt verbal pressure or threats against him. In fact it
23 does appear that during the second interview the Appellant was engaging in

1 some ambiguity with respect to his answers

2 Appellant contends that the principles of progressive discipline should
3 have been imposed since up to this incident the Appellant had an unblemished
4 record and had received good ratings. The Appellant's clean record was
5 uncontroverted by the Department and is therefore taken to be true. Under
6 ordinary circumstances a good employment record may be considered in
7 mitigation of the penalty if the offense committed, whether standing alone or in
8 combination with other offenses, is not so grievous in nature as to be incapable
9 of mitigation
10

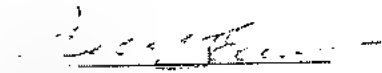
11 In this set of circumstances, Deputy Moore was entrusted by his
12 Department to oversee a female [REDACTED] inmate. In this position of trust he
13 had the duty and responsibility of making certain that this inmate was
14 safeguarded from any sexual advances by anyone, including himself, while she
15 was in his custody and under his care. In that regard it is this examiner's belief
16 that Latavian Moore, by the use of his official power, and while in the course and
17 scope of his duties imposed himself sexually upon his charge for personal
18 gratification. In so doing, upon being discovered, he then tried to cover it up by
19 lying to investigators. He has brought dishonor to himself and to the Sheriff's
20 Department of the County of Los Angeles. Can the recommended penalty of
21 termination be mitigated on the basis of progressive discipline? I don't see how
22 given the nature of the offenses. As Chief Moorehead pointedly and correctly
23 asked at the hearing, "What class does the Department send him to so that he
24

1 can unlearn this behavior?" The answer to that question is self-evident

2
3 The recommended penalty of termination from Appellant's employment as
4 a Deputy Sheriff with the Los Angeles County Sheriff's Department should stand

5
6 DATED October 25 2004

Respectfully submitted

7 
8 Jerry Erner



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

March 5, 2003

Deputy Latavian Moore, [REDACTED]
[REDACTED]
[REDACTED]

Deputy Moore:

On February 12, 2003, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2049854. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, your Division Chief determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective at the close of business on March 6, 2003.

An investigation under File Number IAB 2049854, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.05, Performance of Duty; and/or 3-01/050.85, Fraternization, on or about October 10, 2001, you engaged in appropriate and/or unprofessional conduct when you took Complainant [REDACTED] a [REDACTED] inmate assigned to Santa Monica Court Lockup, to the court basement, whereupon you kissed her, requested oral sex and were masturbated by her. By your actions, you have brought discredit upon yourself and the Sheriff's Department.

A Tradition of Service

2. That in violation of Manual of Policy and Procedures Section 3-01/030.10, Obedience to Laws, Regulations and Orders, on or about October 10, 2001, you engaged in behavior and/or a pattern of behavior that was unbecoming a county employee when you took Complainant [REDACTED] a [REDACTED] inmate, into the mechanical room in the basement area of Santa Monica Court and kissed her, requested oral sex and were masturbated by her.
3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, you failed to make full and/or complete and/or truthful statements during the course of an official Department Internal Investigation. These statements include, but are not limited to:
 - a) When asked numerous times if you took Complainant [REDACTED] to the basement and/or into the mechanical room, your response was, "No." When asked, "Did you ever take [REDACTED] to the basement to get supplies, you replied, "No." When asked if you were sure about that, you replied, "Yes." When asked if you were positive of that, you replied, "Yes." When asked why you were so positive, you responded, "Because I would remember, because that's - this is fairly recent so I would remember." When asked to furnish a recent date, you responded, This was fairly recent within the last half a year.....so my memory's not that bad," and/or;
 - b) During your second interview, you admitted to "possibly taking Complainant [REDACTED] to the mechanical room," and/or;
 - c) During the second interview, the IAB investigator asked when you were in the room with the Complainant, was it possible that you told her to duck under the vent and you took her to another location in that room? You responded, "No. No. Only time she might have had to duck was to duck from the vents." When asked what vents, you replied, "Maybe somewhere here (pointing to your diagram of the mechanical room, Exhibit-H) I mean, I know we had to duck before we went to (um)..I'm not going to say that because I don't remember. I do know, I do know in some places in the mechanical room, you do have to duck." When asked if you ever told Complainant [REDACTED] to duck, you responded, "I don't, I don't recall."

4. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.05, Performance of Duty; and/or 3-01/050.10, Performance to Standards, on two separate occasions, while on duty, you failed to devote your time and attention to the service of the County and the Department, and/or engaged in behavior and/or a pattern of behavior which is unbecoming a county employee, when you left your assigned post to masturbate in the mechanical room, thereby bringing discredit upon yourself and the Sheriff's Department.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

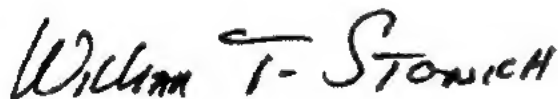
You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF



WILLIAM T. STONICH
UNDERSHERIFF

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

WTS:MA:DHB:lg

c: Advocacy Unit
Taylor K. Moorehead, Chief, Court Services Division

Latavian Moore, [REDACTED]

4

Ricardo Cotwright, Captain, Court Services West Bureau
Internal Affairs Bureau
Office of Independent Review (OIR)
Robert C. Lindsey, Director, Personnel Administration